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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,612

12/04/2003

Akiyoshi Chosokabe

Q78605

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23373 7590 07/08/2010  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

HARPER, TRAMAR YONG

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

07/08/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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PPROCESSING@SUGHRUE.COM  
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* AKIYOSHI CHOSOKABE

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Appeal 2009-007957  
Application 10/726,612  
Technology Center 3700

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Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

On November 19, 2007, Appellant filed a Notice of Appeal. On December 3, 2008, the Examiner mailed a new Examiner's Answer including a new ground of rejection and giving Appellants the option to either (1) Reopen prosecution or (2) Maintain appeal. On March 9, 2009, Appellants filed a response under 37 C.F.R. § 1.111 where the Appellants elected to reopen prosecution before the Examiner. Instead of reopening prosecution in response to Appellants request, the case was erroneously docketed for appeal.

Appeal 2009-007957  
Application 10/726,612

Accordingly, it is

ORDERED that the application is remanded to the Examiner to  
reopen prosecution.

If there are any questions pertaining to this order, please contact the  
Board of Patent Appeals and Interferences at 571-272-9797.

DMS/mls

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037